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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,746	12/20/2005	Tohru Miyake	YMUCP006	6958
22434	7590	09/04/2009		
Weaver Austin Villeneuve & Sampson LLP			EXAMINER	
P.O. BOX 70250			DANIEL, JAMAL D	
OAKLAND, CA 94612-0250				
		ART UNIT	PAPER NUMBER	
		3723		
		NOTIFICATION DATE	DELIVERY MODE	
		09/04/2009	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

Office Action Summary

Application No.

10/528,746

Applicant(s)

MIYAKE ET AL.

Examiner

JAMAL DANIEL

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,715,557 (Hsu).**

3. In re claim 1, Hsu discloses a window wiper comprising a sticking unit (1) which is fitted with a vacuum generator (4) and sticks fast to a windowpane in a window frame; a wiping unit (3) and a running unit (11).

4. In re claim 9, Hsu discloses a window wiper wherein the wiping unit can be removed from the sticking unit.

5. **Claims 1, 2, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,890,250 (Lange et al).**

6. In re claim 1, Lange et al discloses a sticking unit (68) which is fitted with a vacuum generator (74), a wiping unit (114), and a running unit (29).

7. In re claim 2, Lange et al discloses a window wiper comprising a sticking unit, a wiping unit, and a running unit which is mounted on the sticking unit so that the former can turn freely.

8. In re claim 6, Lange et al discloses the coefficient of friction between the sucker and windowpane being smaller than that between the running unit and the windowpane (column 9, lines 59-63).
9. In re claim 9, Lange et al discloses a window wiper wherein the wiping unit can be removed from the sticking unit.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
12. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lange et al in view of European Patent Application Publication EP0505956A1 (Pion).**

13. In re claim 3, Lange et al discloses the claimed invention except for a power supply disposed below the center of turning of the running unit. However, Pion discloses a window cleaner with a power supply (D) for autonomous operation, located below center of turning (best illustrated in Fig. 1). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the power supply of Pion on the window cleaning unit of Lange et al, below the center of turning, in order to eliminate the need to run power cable to a remote location.

14. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu.**

15. In re claim 7, Hsu discloses the claimed invention except for a step type motor. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a stepping type motor since it was known in the art that step type motors provide more precise control of motor movements.

16. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lange et al.**

17. In re claim 7, Lange et al discloses the claimed invention except for a step type motor. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a stepping type motor since it was known in the art that step type motors provide more precise control of motor movements.

Allowable Subject Matter

18. Claims 4, 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. The following is a statement of reasons for the indication of allowable subject matter: In the Examiner's opinion, the prior art of record does not disclose a window wiping unit with a run processor which makes the unit shift laterally each time a top or bottom window frame is detected. The prior art of record discloses cleaning from the top of the building to the bottom, with various structure for detecting a window frame then over passing said frame on the way up or down. Once the entire length of the building is traveled, the prior art of record then shifts laterally for another lengthwise pass of the entire building.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 5,959,424 (Elkmann et al) discloses a window wiping unit with sensors for detecting the deviation of the running direction of the unit and a controller to correct the direction of the running unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMAL DANIEL whose telephone number is (571)270-5706. The examiner can normally be reached on Monday - Friday 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571)272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMAL DANIEL/
Examiner, Art Unit 3723

/Joseph J. Hail, III/
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